



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James C. KENNEDY et al.

Title: PHOTOCHEMOTHERAPEUTIC METHOD USING 5-AMINO LEVULINIC ACID AND OTHER PRECURSORS OF ENDOGENOUS PORPHYRINS

Appl. No.: 10/605,825

Filing Date: 10/29/2003

Examiner: Shahnam J. Sharareh

Art Unit: 1617

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated June 2, 2006, finally rejecting Claims 15-25.

☒ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

12/04/2006 SZEWDIE1 00000006 10605825

01 FC:2401
02 FC:2253

250.00 OP
510.00 OP

The required fees are calculated below:

| | | |
|-------------------------------------|--|------------|
| <input checked="" type="checkbox"/> | Notice of Appeal Fee | \$500.00 |
| <input checked="" type="checkbox"/> | Extension for response filed within the third month: | \$1,020.00 |
| | FEE TOTAL: | \$1,520.00 |
| <input checked="" type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | \$760.00 |
| | TOTAL FEE: | \$760.00 |

A credit card payment form in the amount of \$760.00 is enclosed.

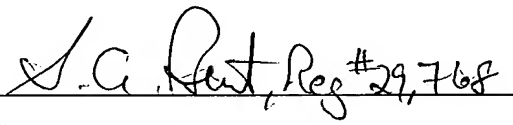
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date December 1, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4767
Facsimile: (202) 672-5399

By  Reg #29,768
for Steven M. Reid
Attorney for Applicant
Registration No. 54,393